



PATENT
7251/96026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John Fleming WALKER)
)
For: SYSTEM FOR SHIELDING)
INTEGRATED CIRCUITS)
)
Serial No.: 10/593,386)
)
371(c) Date: 4 December 2006)
)
Group Art Unit: 2818)
)
Primary Examiner: Dung Anh LE)
_____)

APPLICATION FOR PATENT TERM ADJUSTMENT

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir or Madam:

Pursuant to 37 CFR §1.705(b), the applicant respectfully requests reinstatement of 29 days of the reduction in the patent term extension for the captioned application. A Notice of Allowance of the captioned application was mailed on 21 September 2009. The issue fee is being submitted together with this request. The captioned application is not subject to a terminal disclaimer. The applicable fee for this request is enclosed. The Commissioner is authorized to charge Deposit Account 23-0920 for any deficiency in fees in connection with the captioned application.

The Notice of Allowance was accompanied by a Determination that the patent term adjustment should be 238 days. In fact, it should be 267 days. The 29-day difference is attributed to a reduction in the term extension (that the applicant challenges) due to a supplementary IDS that was received by the PTO on 30 July 2009, 29 days after the 1 July 2009 reply to the office action preceding the notice of allowance. (The other calculations regarding the term extension are accurate. That is, there was a 296-day extension due to delay from 4 February 2008 (fourteen months after the 371(c) date) until 26 November 2008 (first office communication), and a 29-

day reduction due to delay from 2 June 2009 (reply to office action due) until 1 July 2009 in replying to the office action.)

The supplementary IDS letter that was received by the PTO on 30 July 2009 (and is available on PAIR) expressly states that the information being disclosed was a 1 July 2009 office communication in connection with prosecution of a counterpart foreign application. Therefore, the supplementary IDS letter necessarily indicates that the information being disclosed did not yet exist until (and could have been known no earlier than) 29 days before it was received by the PTO.

Please note that the information being disclosed was *not* the prior art referenced cited in that 1 July 2009 office communication, because that prior art reference already had been identified in an IDS that had been received by the PTO on 13 November 2006, and subsequently considered by the examiner on 24 February 2009. The information being disclosed in the supplementary IDS received by the PTO on 30 July 2009 was *only* the 1 July 2009 EPO communication itself. The information was disclosed because an examiner may consider it important to know about an action taken on claims in a counterpart foreign application. This information was disclosed promptly to the PTO within 29 days of its creation, and the disclosure should be found to be in compliance with a reasonable interpretation of the rules for avoiding a reduction in the term extension.

For the foregoing reasons, the applicant requests reinstatement of 29 days of the reduction in the patent term extension for the captioned application.

Respectfully submitted,



L. Friedman
Reg. No. 37,135

4 November 2009

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